



## Meeting Minutes – September 12, 2008

Yellowstone Room, Best Western Inn, Livingston, MT

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**Members Present:** Paul Gilbert, Sweet Grass CD; Steve Story, Stillwater CD; Don Youngbauer, Rosebud CD and MACD; Kenny Nemitz, Dawson CD; Phil Fox, Treasure CD; Bob Hector, Yellowstone CD; Walter Rolf, Custer CD; Jerry O'Hair, Park CD; John Moorhouse, RAC Chairman and Orvin Finsaas, McKenzie ND, CD.

**Others Present:** Warren Kellogg, TAC; Burt Williams, TAC/TNC; Mack Cole, RAC; Laurie Zeller, DNRC; Jeff Tiberi, MACD; Nicole McClain, YRCDC Coordinator; Laverne Ivie, Yellowstone CD; Barbara Berry, Stillwater CD; Gay Easton, YCD, and Carol Watts, Custer CD.

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Previous to the meeting there was a tour of Armstrong Spring Creek at Jerry O'Hair's ranch. The Council thanks Jerry and his wife Virginia for their hospitality. The Council also thanks Chuck Dalby, DNRC Surface Water Hydrologist for his input during the tour.

Chairman Don Youngbauer called the meeting to order at 10:15 am Thursday, September 12, 2008. Introductions were made.

**Conservation District Updates:** Each Conservation District at the meeting told what was going on in their area. This is a new agenda item for the Council meetings.

**TAC Update:** (see attachment) Warren Kellogg reported that Paul Gilbert and Don Youngbauer attended the TAC meeting, which was held September 10, 2008. Warren appreciates it when Council members attend the TAC meetings.

Warren first addressed the channel migration zone mapping (CMZ) saying that he will work with Nicole to contact each district to set up public meetings for later this fall targeting city and county officials, realtors and others. A budget will be set for these meetings, and Nicole will work closely with each district administrator. Funding will come from the 2005 RDGP grant. If necessary, a few counties can be combined, although it is important for most counties to have their own meeting that is customized to their reach of the Yellowstone River. Karin Boyd will be contracted to be the keynote presenter.

A recommendation to move the CMZ mapping into Park CD could be coming in the future. The previous work completed under the auspices of the Governor's Upper Yellowstone River Task Force may not be consistent with the CMZ work done on the rest of the river. Other CES studies could also be expanded into Park County.

Danielle Jones spoke to the TAC about the avian study. She will have a draft report by the end of the month. The final report will be delivered to the Council later this year.

The pilot study that looked at correlating fisheries habitat mapping between low flow photography and bankfull flow photography was not successful. The fisheries subgroup has been charged with coming up with a different approach.

Under the water quality scope of work The TAC was hoping to use monitoring work that the EPA and DEQ had already done. These agencies have not responded to inquiries, and the TAC recommends that the Council send a letter to the Montana EPA office and to DEQ with a formal request asking if they would re-engage with the Council. Paul Gilbert made a motion for Nicole to write the letter which will be signed by the Chairman, Steve Story seconded and the motion carried by voice vote.

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Bureau of Reclamation public meetings on the Intake project will be held in Sidney October 21, 2008, Glendive October 22<sup>nd</sup> and in Billings on the 23<sup>rd</sup>.

Warren said most of the districts were interested in obtaining the software and training for a 310 permit data base. He will be in contact with each of the district administrators.

Warren commented that the Council has not been officially represented lately on the TAC. He asked for another solution on getting a Council member on that committee. It was decided that the Council members could take turns depending on who was closest in the area, or who had interest in a particular topic for that particular meeting.

The next TAC meeting will be in Billings October 29 and 30.

**Partner Updates:** Jeff Tiberi, MACD Executive Director said that Steve Hedstrom, Chairman of MACD would have liked to come to the meeting but was unable to make it. Jeff said he was getting accustomed to his new job and he thought the Council was a picture of what conservation practices could be in the future.

Jeff thinks there are three areas where MACD can help districts. MACD office should be the focus point for the influence that supervisors have across Montana, they should provide information and communication, and also feature specialized products and services.

Jeff is involved in the planning of the MACD convention and he hopes to attend many of the MACD Area meetings.

**Coordinator's report:** Nicole furnished each Council member with a written report. She stated that she had been busy planning the rail tour and had not gotten the time to complete the annual report. She hopes to have it completed by the next meeting.

The roundtable is the next major item on Nicole's schedule and she will be working with Burt Williams, Laverne Ivie, and Laurie Zeller to get this organized. Mack Cole and Phil Fox will also serve on the committee. The tentative date is December 4, 2008 and a possible location is the Petroleum Club. She suggested having a Council meeting before the Roundtable. Implementation guidance for 3110 will be the main focus of the roundtable. Implementation guidance will be used by the Council in the future to help rank and determine eligibility of future projects proposed for funding under section 3110 of the Water Resources Development Act of 2007.

Draft revised standing rules were in the Council member's packets. John Moorhouse was not in attendance, but he had written a motion that he hoped to have passed. The Council questioned which meetings the RAC members would be paid a stipend for and how it would be funded. It was decided to table this discussion until John Moorhouse could be in attendance.

As a result of this discussion, MACD's seat on the Council was mentioned. Since Luther Waterland resigned, Don Youngbauer has been serving as the MACD representative. It was agreed upon that although Don is representing two interests, Rosebud CD and MACD, he still has just one vote. It was not determined whether the standing rules needed to be revised to reflect this issue and will be resolved at the next meeting.

**Business meeting:** Carol handed out the financial reports saying the first report was an accounting of all the transactions in account since the last meeting. The grant statement shows the expenses and balances for each grant. Carol asked that vouchers be turned in, and she noted that we had returned to the old forms but departure and arrival times had been added. Walter Rolf made a motion to accept the financial reports, Jerry O'Hair seconded and the motion carried by voice vote.

The August 21 meeting minutes were approved with minor changes. Paul Gilbert made the motion to accept the minutes, Orvin Finsaas seconded and the motion carried by voice vote.

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**RAC Update:** Mack Cole suggested that the Council become interested in reclaiming leaking ditches to prevent excessive water loss. He has met with the railroad and thinks they would be willing to meet with the agricultural community to come up with a solution. A tour of problem ditches could be part of the plan.

Warren suggested that this issue might tie into a Best Management Practice with irrigation and water quality.

**Vice-Chairman's Report:** Bob Hector suggested doing a joint river clean up project with the Missouri River group. A week in August would be designated and each Conservation District would decide if they wanted to participate and how they would do it.

Bob reported on meeting with Alex Apostos, Rachel Court, Warren Kellogg, Don Youngbauer, and Nicole McClain concerning Tester's draft watershed bill (Cooperative Watershed Management Act of 2008). Bob was able to explain the role and responsibilities of conservation districts to Alex and the need for CDs to be recognized in the bill as major players in locally-led watershed efforts. He was not aware of them when he drafted the bill. The meeting was followed by a tour of the Pryor Creek fish passage project and a discussion of how it might qualify for funding under WRDA 2007, Section 3110.

The position paper on the watershed bill (CWMA) was acceptable, but what is really needed is clear language that could be inserted into the draft bill. This bill passed out of committee and is one step closer to becoming law. Burt Williams and Jeff Tiberi volunteered to draft the language needed.

**Dornix Park Update:** Paul Gilbert said the Dornix Park Committee held a dinner meeting in Big Timber with the Army Corps and Congressional staff people. The City of Big Timber is seeking formal support from the Council, so they can apply for funding. Warren suggested that Paul, Nicole, and he draft a position paper that would indicate general support of the Dornix Park project.

**MRRIC Update:** Dave Schwarz was not in attendance. Don Youngbauer said that Vicki Marquis of the Missouri River Council thanked the YRCDC Council for supporting the travel commitment for MRRIC. The appointments to MRRIC should be announced next week.

**Chairman's Report:** Don Youngbauer attended the National Association of State Conservation Agencies in Whitefish. He said 19 states were represented. It was a brain storming session where someone would present a problem and the others would come up with possible solutions.

The Council thanked Nicole for doing a tremendous job on the rail tour with a round of applause. Don felt that many valuable contacts were made. He said several of the MRL personnel had spoken to Karin Boyd about a proactive approach to 310/404 permitted streambank protection projects. The railroad is very interested in learning more about the channel migration zone mapping. A follow up meeting with Montana Rail Link will be held in the near future.

Don Youngbauer talked about the recent RDGP grant application saying that it was well written and it will form the basis for developing a weed management plan for the entire length of the Yellowstone River. The inventory part of the grant will help complete the riparian scope of work. The grant application is currently under review by DNRC and, if recommended for funding, will be submitted to the 2009 Montana Legislature for final approval.

**Discussion:** There was discussion on the Intake project. Laurie Zeller noted that Dawson CD would be involved in the permitting project. The next Council meeting will be October 23, 2008 at the Business College in Billings. Agenda items include; TAC and RAC updates including Greg Johnson, COE; plus updates on roundtable planning, standing rules, MRL meeting, BNSF rail tour, Dornix Park position paper, Tester's CWMA bill and the annual report.

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**Public Comment:** There was no public comment.  
Meeting adjourned at 1:50 pm.

Respectively submitted,

Carol Watts  
CCCD Administrator

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### **Yellowstone River Technical Advisory Committee Meeting Notes – 9/10/2008 Livingston, MT – Yellowstone Inn**

Thanks to Council members Paul Gilbert and Don Youngbauer for attending and participating in the TAC meeting.

#### **Cumulative Effects Analysis**

Cumulative Effects Analysis: Burt Williams led our on-going discussion on cumulative effects. The following is a summary submitted by Burt:

At the previous meeting (July 30-31), the TAC spent an entire day engaged in defining and beginning to outline the necessary components of cumulative effects analysis. In addition, there was a homework assignment for TAC members to consider the definition worked out at the TAC meeting and the components and subcomponents of the most critical environmental definers of potential cumulative change to the Yellowstone River valley. Utilizing that body of information produced at the July meeting, five teams were to make a first approximation of identifying how human management of the corridor may have affected water quantity, water quality, geological context, the aquatic ecosystem and the riparian ecosystem. This was a considerable amount of work, and the teams did not finish far enough in advance of the September 10 TAC meeting to make much further progress at the meeting.

That led to a further homework assignment based on two observations about the previous work.

- (1) Approximating all the potential human impacts from management lead to a) considerable redundancy, and b) enumeration of management activities that have minimal effect on a system. For example, within the riparian ecosystem, the same human management factor (inappropriate timing and level of grazing domestic livestock) affected numerous components and subcomponents of the riparian system, thus the redundancy. Some management activities, while occurring in the riparian zone, appear to have little or no physical effect on how the riparian zone functions. One example is hunting.
  - a. Thus, the first piece of homework is for the same teams to take a look at the management activities identified for the September 10 TAC meeting and make an initial try at seeing if you can justify reducing the number of impact/influences identified to a smaller that are critical and account for the significant changes in water quantity, water quality, geological context, aquatic ecosystem, and riparian ecosystem. We would like to have the conclusions you make by October 15, so that they can be distributed to all TAC members for the October 29-30 meeting.
- (2) The exercise of identifying impacts and influences on the critical elements of the valley system point towards some important issues that will have to be further explored to do a credible job of explaining cumulative effects. Two things were identified. First, in some cases a management change will affect more than one of the critical environmental contexts. For example river bank modifications may affect both the river channel and aquatic system, as well as have implications for the riparian system. We need to begin trying to get our minds around how we can quantify, or at least define those interplaying effects on multiple systems. Second, we noticed from some of the early studies that statistical inference plays a significant part in study conclusions, e.g., the role of analysis of variance in the avian study. The analysis of cumulative effects will build on the analysis in individual studies to make conclusions. We will need to

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thoroughly understand how the accuracy of study conclusions is affected by first deriving individual conclusions from statistical inference, and then become further derivative as we compare and aggregate the effects of multiple studies.

- a. By the next TAC meeting we would like to begin trying to find some answers to these two kind of “epistemological questions.” No actual homework to get in, but this discussion needs to be part of the TAC meeting in October so that we can start to think about what these questions would do, if anything, to a scope of work for cumulative effects.

### Channel Migration Zone (CMZ) Mapping

The TAC will make a recommendation to expand the CMZ mapping into Park County to make it consistent with the rest of the Yellowstone River corridor. Jim Robinson will work with Chuck Dalby, DNRC, and DTM on putting a scope and budget together. This work might be included under the existing GIS contract using some of the RDG05 funding if the work can be completed before the end of the year.

### **Biology**

#### Avian

- Danielle Jones, MSU-Bozeman, gave a presentation on the avian study that she has been working over the last two years. She reviewed study objectives and methodology, and discussed the preliminary analysis of the data. A draft report will be available for review and comment by the end of September. The final report will follow soon after. A full report will be made to the Council after the final report is completed.
- Steve Hoffman, Montana Audubon, gave a presentation on their “Important Bird Areas” (IBA) program. There are 32 IBAs in Montana where there are important breeding, wintering, and/or migrating habitat for certain species. Steve would like to forge a relationship with the YRCDC for possible IBA nominations along the Yellowstone River corridor. An IBA designation is totally voluntary, but could help elevate restoration project rankings for certain programs.

#### Wetlands

Greg Johnson reported that the ACOE will be able to sole source their \$43,750 to the Montana Natural Heritage Program (MNHP). The contract should be in place by the end of September. We will have MNHP focus on the Intake and Cartersville quads first. The MLIA grant (Montana Dept of Administration) approved for \$74,250 has finally submitted a contract to the YRCDC for their review and signature. The status of the BLM’s \$10,000 will likely be contracted directly to MNHP. Together, these monies will fully fund Task 1 of the Wetland SOW to complete current-day wetland mapping for the entire Yellowstone River corridor by MNHP to map the wetlands on all 89 quads along the full Yellowstone River corridor. Nicole and Greg will coordinate the contracting and scoping of this work with MNHP.

#### Fisheries

George Jordan reported on the discussions regarding the pilot fisheries habitat mapping. The following is a summary from George:

The fisheries work being conducted by Montana Fish Wildlife and Parks (MFWP) has established habitat units on a large portion of the lower Yellowstone River. The cumulative effects fisheries scope of work (SOW) has been designed to augment data that MFWP is collecting, and take it a step further by trying to integrate data collected under this SOW, with the data from MFWP and the geomorphic data collected under other SOWs. Concerns were raised about mapping habitats at different flow regimes associated with the various aerial flights in the 1950s, 1970s and 2001. The fisheries researchers had concerns about the appropriateness of extrapolating low flow to the bank full levels. Work Order number five funded a pilot effort to evaluate these concerns. Dr. Bramblett, MSU-Bozeman presented some of his analysis. There was not good convergence based on habitat unit counts. Reassessment based on area proved only slightly better. There were significant differences in about half of the habitat units when bankfull delineations were compared with the low flow delineations. The fisheries researchers and TAC members have agreed to participate in a meeting/conference call in October to discuss this issue further.

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### Riparian

The riparian vegetation mapping draft report has been submitted to the TAC by Tony Thatcher (DTM). Warren Kellogg will work with members of the TAC to review and compile comments before the next TAC meeting.

### Water Quality

It will be recommended to the Council that a request be sent to both Montana DEQ and the Montana EPA office requesting an up-date of their monitoring efforts on the Yellowstone River mainstem.

### **Socioeconomics**

#### Economics

- Comments on the pilot project proposal submitted by Headwaters Economics are due to Burt Williams by the end of September. Hard copies were handed out at the last TAC meeting. Warren or Burt will send out an electronic copy to all TAC members.
- We need to find an economist willing to serve on the TAC. It was suggested that someone from either the Regional Bureau of Reclamation office or the State BLM office should be considered.

### **Miscellaneous**

#### Rail Tour

Nicole provided an up-date on tomorrow's rail tour itinerary. She passed around a draft tour program. There will be 75 people on the tour. We discussed the tour highlights and narrative that the TAC will be responsible for. There will be video footage taken during the tour for possible use in future PSAs.

#### Round Table

Burt Williams reported on a recent teleconference that began the discussion on setting up a Yellowstone Round Table tentatively set for the 2<sup>nd</sup> week in December. The primary focus of the Round Table would be Section 3110 of the 2007 WRDA discussing the YRCDC's role in reviewing and/or prioritizing proposed restoration projects that would fall under that authorization.

#### Public Outreach Scope of Work

- Nicole mentioned that there is nothing new from the RAC regarding the draft SOW. She has not yet looked into an internet web site domain.
- We discussed the CMZ workshops for later this fall. Karin Boyd has submitted a draft budget and workshop outline. We discuss this with the Council to have Nicole focus some of her time to work with individual CDs on the organization of the workshops.

#### Intake Public Meetings

Greg reported that there will be public meetings held on the Intake Diversion project October 21, 22, 23.

#### TAC Meeting

The TAC will be meeting October 29<sup>th</sup> and 30<sup>th</sup> in Billings. The specific meeting location will be arranged by Nicole. Agenda items will include:

- |                                                           |                                   |
|-----------------------------------------------------------|-----------------------------------|
| • Cumulative Effects – 3 hours on the 1 <sup>st</sup> day | • Human Impacts Timeline Report   |
| • Economics SOW (Pilot Proposal and TAC member)           | • Riparian Mapping Report - draft |
| • Big Horn River BOR Study teleconference                 | • Avian Report – final            |
| • Water Quality SOW                                       | • CMZ County Workshops            |